

## REMARKS

At the outset, Applicants wish to thank the Examiner for the courtesies extended during the telephone interview conducted January 4, 2008. At that interview was discussed possible amendments to further prosecution.

Claims 1-8 and 10-24 are pending in this Application. By this Amendment, claims 1-3, 7, 10, 11, 13, 14, 23, and 24 have been amended. Claims 1-3, 7, 10, 13 and 14 have been amended to recite that the device and process comprise a draw-off means, support for which can be found on page 3, line 34 to page 4, line 2. Claims 1 and 13 have been amended to recite that in the device and process, the draw-off means pulls the parison over the means of partitioning thereby compensating for a resistance of the means of partitioning, support for which can be found page 4, lines 4-14. Claims 1, 13, and 24 have been amended to recite that the draw-off means or holder are heatable or coolable, support for which can be found at page 6, line 37 to page 7, line 6. Claim 11 has been amended to recite that the means of guiding controls the distance between the semi-finished products, support for which can be found at page 6, lines 29-35. Claim 23 has been amended to address an informality raised by the Examiner and to more particularly recite the features of the holder, support for which can be found at page 6, lines 7-16.

Claims 25-33 are new. Support for claims 25, 28, and 31-33 can be found at page 6, line 37 to page 7, line 6; for claims 26, 27 and 29 at page 6, lines 18-27; and for claim 30 at page 5, lines 29-33.

Claim 20 has been canceled without prejudice or disclaimer.

Applicants include with this Amendment a Supplemental Information Disclosure Statement. Applicants earnestly request that the references listed on the accompanying PTO 1449 form be considered by the Examiner and made of record herein.

### *Objections to the Drawings*

In response to the Objection to figures 3 and 4 as being of generally poor quality, Applicants have included with this Amendment new drawings of better quality, as a Replacement Sheet, which are otherwise identical to those originally submitted. Reconsideration and withdrawal of the Objection respectfully is requested.

### ***Claim Objections***

In response to the Objection to claim 23 for duplicate recitation of the word “further,” appropriate correction has been made. Reconsideration and withdrawal of the Objection respectfully is requested.

### ***Claim Rejections***

#### **Rejections Under 35 U.S.C. § 102/103**

##### **A. Response to rejection of claims 1-4, 6-7, 11, 13, 16 and 23 under 35 U.S.C. 102(b) as anticipated by Nielson.**

In response to the rejection of claims 1-4, 6-7, 11, 13, 16 and 23 under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 4,022,559 of Nielson (“Nielson”), Applicants traverse the rejection and respectfully submit that the reference does not teach or disclose every limitation of the current claims.

For a reference to anticipate an invention, all of the elements of that invention must be present in the reference. The test for anticipation under section 102 is whether each and every element as set forth in the claims is found, either expressly or inherently, in a single prior art reference. *Verdegaal Bros. V. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must also be arranged as required by the claim. *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990).

Nielson does not teach or disclose at least one draw-off means for pulling the plastic parison over the means of partitioning thereby compensating for a resistance of the means of partitioning, wherein the draw-off means are heatable or coolable. In contrast, Nielson teaches that either the bottle or cut parison sections fall or drop onto a conveyer (col. 3, lines 36-40; and lines 60-65).

Reconsideration and withdrawal of the Rejection respectfully is requested.

B. Response to rejection of claims 1, 4, 6-7, 11, 13, 16 and 23-24 under 35 U.S.C. 102(b) as anticipated by Hahn.

In response to the rejection of claims 1, 4, 6-7, 11, 13, 16 and 23-24 under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 4,028,034 of Hahn (“Hahn”), Applicants traverse the rejection and respectfully submit that the reference does not teach or disclose every limitation of the current claims.

The threshold showing required under §102 has been described in paragraph A above.

Hahn does not teach or disclose at least one draw-off means for pulling the plastic parison over the means of partitioning thereby compensating for a resistance of the means of partitioning, as in the current claims. In contrast, Hahn teaches that a severing means is passed between parted quadrants of a quadrisectional mold after an article has been blow molded (col. 4, lines 53-64).

Reconsideration and withdrawal of the Rejection respectfully is requested.

C. Response to rejection of claims 1-4, 6, 10, 14 and 20 under 35 U.S.C. 102(b) as anticipated by Focke et al.

In response to the rejection of claims 1-4, 6, 10, 14, and 20 under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 4,885,895 of Focke et al. (“Focke”), Applicants traverse the rejection and respectfully submit that the reference does not teach or disclose every limitation of the current claims.

The threshold showing required under §102 has been described in paragraph A above.

Focke does not teach or disclose at least one draw-off means for pulling the plastic parison over the means of partitioning thereby compensating for a resistance of the means of partitioning, wherein the draw-off means are heatable or coolable, as in the current claims. Moreover, with respect to process claims 13, 23-24, 26-30, and 33, the teaching of Focke is completely unrelated to the partitioning and guiding of a parison.

Reconsideration and withdrawal of the Rejection respectfully is requested.

D. Response to rejection of claims 1-2, 7-8, 11-13, and 21-23 under 35 U.S.C. 102(b) as anticipated by Kagitani.

In response to the rejection of claims 1-2, 7-8, 11-13, and 21-23 under 35 U.S.C. 102(b) as anticipated by Japanese Patent JP 06218792 of Kagitani (“Kagitani”), Applicants traverse the rejection and respectfully submit that the reference does not teach or disclose every limitation of the current claims.

The threshold showing required under §102 has been described in paragraph A above.

Kagitani does not teach or disclose at least one draw-off means for pulling the plastic parison over the means of partitioning thereby compensating for a resistance of the means of partitioning, wherein the the draw-off means are heatable or coolable as recited in the current claims.

Reconsideration and withdrawal of the Rejection respectfully is requested.

E. Response to rejection of claims 1-2, 4, 6-8, 10-11, 13, 16 and 23-24 under 35 U.S.C. 102(e) as anticipated by Skov.

In response to the rejection of claims 1-2, 4, 6-8, 10-11, 13, 16 and 23-24 under 35 U.S.C. 102(e) as anticipated by U.S. Publication No. 2003/0090024 of Skov et al. (“Skov”), Applicants traverse the rejection and respectfully submit that the reference does not teach or disclose every limitation of the current claims.

The threshold showing required §102 has been described in paragraph A above.

Skov do not disclose at least one draw-off means for pulling the plastic parison over the means of partitioning thereby compensating for a resistance of the means of partitioning, as in the current claims. In contrast, Skov teach a separating apparatus that is moved by an actuator to separate or partially separate a molded article into two or more pieces or components, e.g., a lid from the body (paragraphs [0030] and [0042]).

Reconsideration and withdrawal of the Rejection respectfully is requested.

F. Response to rejection of claims 5, and 18-19 under 35 U.S.C. 103(a) as being unpatentable over Skov.

In response to the rejection of claims 5, and 18-19 under 35 U.S.C. 103(a) as unpatentable over Skov, Applicants submit that a *prima facie* case of Obviousness has not been made out and traverse the rejection.

The U.S. Supreme Court in *Graham v. John Deere Co.*, 148 U.S.P.Q. 459 (1966) held that non-obviousness was determined under §103 by (1) determining the scope and content of the prior art; (2) ascertaining the differences between the prior art and the claims at issue; (3) resolving the level of ordinary skill in the art; and, (4) inquiring as to any objective evidence of non-obviousness.

Accordingly, for the Examiner to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP §2142.

As acknowledged by the Examiner, Skov do not teach that the means of partitioning the parison is of a triangular cross section, comprised of metal with a plastic coating. However, in addition, as discussed above, Skov do not teach or disclose at least one draw-off means for pulling the plastic parison over the means of partitioning thereby compensating for a resistance of the means of partitioning as in the present claims. Therefore, it would not have been obvious to modify the teaching of Skov to arrive at the present claims.

Reconsideration and withdrawal of the Rejection respectfully is requested.

G. Response to rejection of claims 15 and 17 under 35 U.S.C. 103(a) as being unpatentable over Skov.

In response to the rejection of claims 15 and 17 under 35 U.S.C. 103(a) as unpatentable over Skov, Applicants submit that a *prima facie* case of Obviousness has not been made out and traverse the rejection.

The threshold showing required under §103 has been described in paragraph F above.

As acknowledged by the Examiner, Skov do not explicitly teach that the sharp-edged units are exchangeable, nor teach that the units are metallic with a coating of plastic. However, in addition, as discussed above, Skov do not disclose at least one draw-off means for pulling the plastic parison over the means of partitioning, thereby compensating for a resistance of the means of partitioning as in the present claims. Therefore, it would not have been obvious to modify the teaching of Skov to arrive at the present claims.

Reconsideration and withdrawal of the Rejection respectfully is requested.

Applicants respectfully request that a timely Notice of Allowance be issued in this case. Should the Examiner have questions or comments regarding this application or this Amendment, Applicant's attorney would welcome the opportunity to discuss the case with the Examiner.

The Commissioner is hereby authorized to charge U.S. PTO Deposit Account 08-2336 in the amount of any fee required for consideration of this Amendment.

This is intended to be a complete response to the Office Action mailed July 10, 2007.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with sufficient postage thereon with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 7, 2008.

*William R. Reid*  
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*January 7, 2008*  
Date of Signature

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